

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1205 OF 1978

Mohammed Hanif Gaya	...Plaintiff
Vs.	
Sybil Mary Gracious & Ors.	...Defendants
And	
Neville D'Souza	...Applicant

Mr.Sanjay Jain, Adv. i/b. L.S.Jain Adv. for Plaintiff
Mr.Y.M.Chaudhari, Adv. for Defendants

CORAM: A.S. AGUIAR, J.
DATED: 19TH OCTOBER, 2004

P.C.

. The Court Receiver seeks directions in view of the order of this Court requiring him to take steps for execution of the agreement as per the decree dated 13th April, 1993. It is pointed out that the said defendant no.1 has expired and that one Neville D'Souza claiming to be the heir of the deceased defendant, has objected to the execution of the decree by the Court Receiver. The said Neville D'Souza has filed a an affidavit stating that he has filed probate petition in respect of the estate of the deceased defendant nos.1 and 2. The same is pending and as such unless probate is granted in his favour he is not in a position to execute the agreement. He therefore, prays that the said Receiver's report be adjourned till the probate

petition is decided.

. Learned Advocate for the plaintiff states that he will withdraw the caveat filed before the Probate Court on the understanding that the said Neville D'Souza will execute the agreement within three weeks of issuance of order by Probate Court. In view of the above no directions to the Court Receiver are required to be given. With the above observations the Court Receiver's report stands disposed of.
